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FANCASTER, INC. and CRAIG KRUEGER

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

FANCASTER, INC.,

Plaintiff,

vs.

COMCAST CORPORATION, COMCAST
INTERACTIVE MEDIA, LLC and COMCAST
MANAGEMENT, LLC,

Defendants/Counterclaimants
Third Party Plaintiffs

vs.

FANCASTER, INC. sometimes d/b/a "TARGET
WIRELESS",

Counterclaim-Defendant,

and

CRAIG KRUEGER,

Third-Party Defendant.

Case No: 08 Civ. 02922 (SDW-ES)

**DECLARATION OF MITCHELL J.
MATORIN IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE
TO FILE A SUPPLEMENTAL
COMPLAINT AND FOR A RELATED
CASE MANAGEMENT ORDER**

I, Mitchell J. Matorin, depose and state as follows:

1. I am co-lead counsel for Plaintiff Fancaster, Inc. and Third-Party Defendant Craig Krueger. I make this Declaration on personal knowledge in support of Plaintiff's Motion for Leave to File a Supplemental Complaint and for a Related Case Management Order.

2. Attached as Exhibit 1 is a true and correct copy of a Comcast Press Release dated December 15, 2009, retrieved from <http://www.comcast.com/About/PressRelease/PressReleaseDetail.ashx?prid=946> on May 21, 2010.

3. Attached as Exhibit 2 is a true and correct copy of a post on the official Comcast blog dated December 15, 2009, retrieved from <http://blog.comcast.com/2009/12/fancast-xfinity-tv-national-beta-launch-a-guide-to-get-started.html> on May 21, 2010.

4. Attached as Exhibit 3 is a true and correct copy of a page from Comcast's website entitled "What is the difference between Fancast and Fancast XFINITY TV?", retrieved from <http://customer.comcast.com/%28S%28k5zftvjf1k140lvmrkk1022x%29%29/Pages/FAQViewer.aspx?Guid=0a99060b-3173-4e07-bb0c-0ce0a7c492d6> on May 21, 2010.

5. Attached as Exhibit 4 is a true and correct copy of a page from the Fancast.com website retrieved from http://www.fancast.com/full_episodes on May 21, 2010.

6. Attached as Exhibit 5 is a true and correct copy of a page from the Fancast.com website retrieved from <http://www.fancast.com/movies> retrieved on May 21, 2010.

7. Attached as Exhibit 6 is a true and correct copy of a page from <http://thefastertimes.com/cyberlaw/2009/12/16/tv-everywhere-a-pivotal-moment-in-the-history-of-television/> retrieved on May 21, 2010.

8. Attached as Exhibit 7 is a true and correct copy of a page from http://www.lightreading.com/document.asp?doc_id=191040&site=lr_cable retrieved on May 21, 2010.

9. Attached as Exhibit 8 is a true and correct copy of a page from Comcasts' website retrieved from <http://www.comcast.net/on-demand-online/> on May 21, 2010.

10. Attached as Exhibit 9 is a true and correct copy of the Fancaster.com home page located at www.fancast.com showing a pop-up box, as retrieved on May 3, 2010..

11. Attached as Exhibit 10 is a true and correct copy of a page from the Fancast.com website retrieved from <http://www.fancast.com/tv-networks> on May 21, 2010.

12. Attached as Exhibit 11 is a true and correct copy of a page from the Fancast.com website retrieved from <http://www.fancast.com/tv/The-Pacific/101664/1481111487/The-Pacific-Part-Ten-%28HBO%29/videos> on May 21, 2010.

13. Attached as Exhibit 12 is a true and correct copy of a page from the Mulitchannel News outlet dated December 21, 2009, retrieved from http://www.multichannel.com/article/441190-Comcast_Counts_To_Xfinity_.php on May 20, 2010.

14. Attached as Exhibit 13 is a true and correct copy of a page from the Fancast.com website retrieved from <http://www.fancast.com/tv/Bones/94501/1499514034/The-Beginning-in-the-endvideos> on May 21, 2010.

15. Attached as Exhibit 14 is a true and correct copy of Comcast Press Release dated May 11, 2010, retrieved from <http://www.comcast.com/About/PressRelease/PressReleaseDetail.ashx?PRID=990> on May 21, 2010.

16. Attached as Exhibit 15 is a true and correct copy of a page from the Fancast.com website located at <http://store.fancast.com/movies/1457439995>, retrieved on May 21, 2010.

17. Attached as Exhibit 16 is a true and correct copy of a web page retrieved from <http://www.prnewswire.com/news-releases/comcast-hometown-network-to-televis-25-northern-california-basketball-games-80704397.html> on May 21, 2010.

18. Attached as Exhibit 17 is a true and correct copy of a web page retrieved from <http://www.multichannel.com/article/447475-Updated-Comcast-To-Launch-Xfinity-Rebranding-Campaign.php> on May 21, 2010.

19. Attached as Exhibit 18 is a true and correct copy of a web page retrieved from <http://www.multichannel.com/article/447475-Updated-Comcast-To-Launch-Xfinity-Rebranding-Campaign.php> on May 21, 2010.

20. Attached as Exhibit 19 is a true and correct copy of a web page retrieved from <http://www.xfinity.com/Custom>.

I state under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: May 21, 2010



Mitchell J. Matorin